



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd March, 2002.

BILL No. 138 OF 2000

A Bill to provide for reservation for backward classes and most backward classes in services and educational institutions under the State.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Backward Classes (Proportional Representation in Services and Educational Institutions) Act, 2000.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) “appropriate Government” means the Central Government or a State Government, as the case may be;

(b) "Backward classes" has the same meaning as is assigned to it under clause (a) of section 2 of the National Commission for Backward Classes Act, 1993;

27 of 1993

(c) "Educational institutions" includes professional colleges, owned by the appropriate Government or receiving aid from the appropriate Government; and

(d) "Most backward classes" means castes or classes from amongst backward classes which are deemed to be most backward classes by the appropriate Government by notification under section 3.

Publication of list of names of most backward classes.

3. The appropriate Government shall within one month from the coming into force of this Act, by notification in the Official Gazette, publish a list containing the names of most backward classes from amongst the backward classes in that State or Union territory, as the case may be.

Reservation in services for backward and most backward classes

4. (1) there shall be reserved appointments or posts in services under the appropriate Government for the backward classes and the most backward classes.

(2) The number of appointments or posts reserved under sub-section (1) for the backward classes and the most backward classes shall, in the case of appointments or posts in services under the Central Government, be in the proportion of the ratio their respective population bears to the total population of the country and, in the case of appointments or posts in services under the State Government, in the proportion of the ratio their respective population bears to the total population of that State:

Provided that the number of appointments or posts reserved for the backward classes and the most backward classes shall be readjusted in accordance with the ratio of the proportion of their respective population bears to the total population of the country or of a State, as the case may be, as ascertained at the last preceding census of which the relevant figures have been published:

Provided further that if no suitable candidates belonging to the backward classes or the most backward classes are available to fill the appointments or posts reserved for them, such appointments or posts shall be carried forward to subsequent years and shall be filled up by candidates belonging to the backward classes or the most backward classes only, as the case may be.

Explanation.— In this section, the expression "reservation in appointments or posts in services" means reservation in initial recruitment and includes reservation in promotions at all levels in all services.

Reservation in educational institutions for backward and most backward classes.

5. (1) Seats shall be reserved for the backward classes and the most backward classes in all educational institutions under the appropriate Government.

(2) The number of seats reserved in any educational institution in a Union territory or in a State for the backward classes or the most backward classes, as the case may be, shall bear the same proportion to the total number of seats in that educational institutions as the respective population of the backward classes or the most backward classes bears to the total population of that Union territory or of that State, as the case may be.

Act to have over-riding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or anything contained in any judgement of any court of law to the contrary including judgement regarding ceiling on reservation.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The people belonging to backward classes/castes were harassed and humiliated in the society simply because of their birth in those classes/castes. They are unable to occupy important positions in government and other sectors as they do not have access to good educational institutions because of their poor economic status.

Although the Government has floated many schemes and taken many steps to ameliorate the sufferings of backward classes yet their social and living conditions have not met with expected results due to various factors. Also, there are some classes and castes within the backward classes who are most backward classes. These most backward classes should be given special consideration.

At present, there is no provision of reservation in educational institutions for the socially and educationally backward classes. Since education is the basic requirement for getting employment and thereby leading a dignified and decent life, it is proposed to provide for reservation in educational institutions, including professional colleges, for people belonging to backward classes in accordance with the proportion of their population.

Recently, it was decided 27 per cent of appointments and posts in services under the Government for other backward classes in addition to existing reservation schemes for the Scheduled Castes and the Scheduled Tribes. Cutting across party lines, the move was welcomed by every one. However, some reservations were expressed in the reservation scheme for other backward classes. Firstly, the reservation of appointments or posts in Government services for other backward classes should be in accordance with their population. Secondly, the restriction on the percentage of posts to be reserved under any reservation scheme should be done away with.

The Supreme Court in their recent judgment ordered that not more than 50 per cent of the total appointments or posts in Government services or 50 per cent of the total seats in educational institutions shall be reserved for any class. Since the population of other backward classes is nearly 55 per cent of the total population of the country, it would be proper and just to take into consideration their population while reserving appointments or posts in services or seats in educational institutions for them.

The measures contemplated in the Bill will go a long way in the betterment and welfare of the backward classes.

Hence this Bill.

NEW DELHI;
July 25, 2000.

THIRUNAVUKARASU

FINANCIAL MEMORANDUM

clause 3 of the Bill provides for preparation and publication of list of most backward classes by the appropriate Government. As far as expenditure on this relating to Union territories is concerned, it will be met out of Consolidated Fund of India. The respective State Governments will meet expenditure relating to their States. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five lakh is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made will be of administrative detail only, the delegation of legislative power is of a normal character.

BILL NO. 12 OF 2001

A Bill to protect the interest of agricultural workers and provide for their welfare.

BE it enacted by Parliament in the fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Agricultural Workers (Employment, Conditions of Service and Welfare) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force at once

Establishment
of Agricultural
Workers Wel-
fare Board.

2. The Central Government shall establish an Agricultural Workers Welfare Board (hereinafter referred to as 'Board') to protect the interests of agricultural workers in the country.

Chairman and
other members
of Board.

3. (1) The Board shall consist of a Chairman and twenty other members.

(2) The Chairman of the Board shall be elected by the members of Board.

(3) The members of the Board shall be elected by agricultural workers in such manner as may be prescribed by rules made under this Act.

(4) The Chairman and other members of the Board shall hold office for a period of five years.

4. The headquarters of the Board shall be at New Delhi.

Headquarters
of the Board.

5. The Board shall have following powers:—

Powers of
Board.

(i) To provide assistance to agricultural workers at the time when they are unemployed during the occurrence of natural calamities or off-seasons;

(ii) To frame rules and regulations for appointment, pay and allowances, conditions of service and other benefits to agricultural workers;

(iii) To establish a Board at State level to monitor the implementation of rules and regulations made by the Board for welfare of agricultural workers.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

There are about 320 million workers in the country, out of whom 20 million are agricultural workers. Floods and droughts play havoc in the lives of agricultural workers. The use of pesticides and chemical fertilizers also cause serious health hazards to the agricultural workers. Their jobs are at the mercy of the land owners and there is no security of employment. It is, therefore, necessary that the agricultural workers are fully protected and the benefits available to industrial workers in the country are also provided to agricultural labourers.

Hence this Bill.

NEW DELHI;
February 1, 2001.

G. MALLIKARJUNAPPA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of Agricultural Workers Welfare Board to protect the interests of agricultural workers in the country. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No.5 of 2001

A Bill further to amend the Cinematograph Act, 1952

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called as the Cinematograph (Amendment) Act, 2001.

Short title, and
commencement.

(2) It shall come into force at once.

37 of 1952

2. In section 5B of the Cinematograph Act, 1952, sub-section (2) shall be renumbered as sub-section (3) and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment
of section 5B.

“(2) A film shall not be certified for public exhibition if it depicts scenes involving :—

- (i) Sex and romance;
- (ii) Inciting and commission of violence of any kind;
- (iii) Planning of robbery, theft and kidnapping; and
- (iv) Consuming liquor”.

STATEMENT OF OBJECTS AND REASONS

It is proposed to amend the Cinematograph Act, 1952, with a view to providing for strict guidelines in case of certification of films. Films depicting scenes of sex, romance, kissing, incitement of violence, killing of people, robbery, kidnapping and consuming liquor not only cause embarrassment to watch in the company of children but also disorientate the minds of children and youth. They are tempted to try in real life what they see in celluloid. This is one of the reasons for increase in the incidents of violence, kidnapping, rape, robbery and dacoity in the country during the last few years. It is, therefore, necessary that such films are not given certification for public exhibition.

Hence this Bill.

NEW DELHI;
February 1, 2001.

G. MALLIKARJUNAPPA

BILL No. 112 OF 2001

A Bill to provide for assistance to political parties and their candidates by the Central Government for ensuring their effective functioning and for promoting sound democratic polity and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Political Parties (Assistance and Regulation) Act, 2001.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the Election Commission of India constituted under article 324 of the Constitution;

(b) "Political party" means an association or body of individual citizens of India recognized by the Commission as a political party in accordance with the provisions contained in the Representation of the People Act, 1951; and

43 of 1951

(c) "Prescribed" means prescribed by the rules made under this Act.

Constitution of Election Fund.

3. (1) The Central Government shall constitute a fund to be known as "Election Fund" which shall have an initial capital of rupees one thousand crore.

(2) The Central Government and every State Government shall contribute such sum of money every year to the fund, as may be prescribed.

National political parties to be entitled certain facilities.

4. (a) Every political party at the national level which has been registered with the Election Commission shall be entitled to the following facilities:—

(i) Rent free accommodation for office use in the National Capital territory of Delhi and in the capital city of every State with one rent free telephone with a specified number of free telephone calls.

(ii) Free electricity and water facilities in the accommodation upto such extent as may be prescribed.

(b) Every political party which has been recognized at the State level shall be entitled to following facilities:—

(i) Rent free accommodation in the capital city of the State concerned with one rent free telephone with a specified number of free telephone calls.

(ii) Free electricity and water facilities in the accommodation upto such extent as may be prescribed.

Facilities to political parties during elections.

5. During elections to the House of the People and Legislative Assembly of a State every political party shall be entitled to free air time on Doordarshan and All India Radio and also on private television channels for such time as may be prescribed.

Facilities to candidates during elections.

6. During elections to the House of the People and Legislative Assembly of a State every candidate set up by a recognised political party shall be entitled to the following facilities during election campaign:—

(i) Such quantity of petrol and diesel as may be prescribed;

(ii) Such quantity of paper for printing his election literature and the identity slips for distribution to voters;

(iii) Five copies of electoral rolls; and

(iv) Supply of refreshment and food packets to the counting agents inside the counting hall.

Restriction on certain activities of political parties during elections.

7. During the period of elections to the House of the People or Legislative Assembly of a State, no party or candidate shall,—

(i) Use loudspeakers during campaign;

(ii) Campaign after 10.00 P.M. in the night;

(iii) Paste posters or pamphlets or deface walls with election material; and

(iv) Use more number of vehicles than allotted for campaign.

Political party shall maintain accounts.

8. (i) Every political party to which assistance has been granted under sections 4 and 5 shall prepare and maintain proper accounts and other relevant records in such form and manner as may be prescribed.

38 of 1949.

(2) The accounts of a political party shall be audited by an auditor authorised to audit the accounts of a company under the Chartered Accountant Act, 1949.

(3) Every political party which has been granted assistance under sections 4 and 5 shall submit to the Central Government, within three months from the date of such grant or such extended period, a certified copy of the audited accounts together with the audit report thereon.

(4) All subscription, donations received by the party above the amount of rupees ten thousand shall be by means of a cheque/bank draft and accounts of such donations shall be maintained by the party.

9. (1) The Central Government may, in consultation with the Commission, by a notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the particulars required to be given in an application for grant of assistance to a political party;

(b) the factors to be taken into account in granting the assistance;

(c) the manner in which, and the conditions subject to which, assistance shall be granted to a political party;

(d) the preparation and maintenance of accounts and other records under section 8; and

(e) Any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Parliamentary democracy envisaged in the Constitution of India can develop and succeed only when the political parties in the country function in an orderly manner and under public scrutiny.

Credibility of political parties in the eyes of people has considerably been eroded. Most of the political parties which are unable to bear the expenses of their candidates in the elections adopt unhealthy methods and seek assistance from bodies/organisations in the country and outside the country. It is also found that the political parties and individual candidates seek money from the big houses and multi-nationals. Such illegal practices encourage generation of black money and proliferation of small parties setting up their candidates thereby putting unnecessary burden on the public resources. The circulation of black money and influence of multi-nationals and big houses in the elections cause a great set back to the smooth functioning of the parliamentary democracy in the country. With a view to check these tendencies and to set a healthy practice. It will be necessary for the Government to bear the expenditure incurred or to be incurred by a political party on its candidates for undertaking campaigning in the elections to the Lok Sabha or State Assembly.

Certain facilities should be given to recognised political parties for their effective functioning and the facilities should be given in kind rather than in cash.

Certain regulations should also be imposed on political parties for orderly campaign during election period.

The Bill seeks to achieve these objectives.

NEW DELHI;
October 31, 2001.

BIR SINGH MAHATO

FINANCIAL MEMORANDUM

The Bill seeks to provide for assistance to political parties in respect of rent free accommodation, telephone to recognise political parties. It further provides for certain other facilities to recognised political parties and candidates set up by such parties. The Bill also seeks to constitute an Election fund. It is difficult to estimate the precise financial implications at this stage. However, to begin with, a recurring expenditure of rupees five hundred crore per annum will be required. The expenditure will be made from the Consolidated fund of India.

A non-recurring expenditure of about rupees one thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules in consultation with the Election Commission. The matters for which the rules may be framed are the particulars to be contained in an application of a political party for grant of assistance, factors to be taken into account for determining the quantum of assistance to be granted to a political party, etc. The delegation of legislative power, therefore, is of a normal character.

BILL NO. 21 OF 2001

A Bill to provide for closure of all bogus educational or coaching institutions in the country

BE it enacted by Parliament in the Fifty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Bogus Educational Institutions (Closure) Act, 2001.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires, “bogus educational institution” means an educational institution which does not exist physically or which confers certificates, diplomas and degrees without conducting any examination or exists merely as a

Definition.

letterhead organisation or which offers false promises through advertisements to attract students or engages in activities other than the purposes for which it was formed.

Constitution
of an agency
to identify
bogus
educational
institutions.

3. (1) The Central Government shall constitute an agency to identify and close down bogus educational institutions and for carrying out the provisions of this Act.

(2) The agency constituted under sub-section (1) shall comprise of three senior officers not below the rank of Joint Secretary representing the Union Ministry of Human Resource Development and of whom one member shall be nominated as the Chairman of the agency.

Functions of
the agency.

4. The functions of the agency shall be:—

(i) To make a list of all educational institutions in the country;

(ii) To scrutinise all advertisements given in newspapers, magazines, periodicals and electronic media by educational institutions;

(iii) To identify all bogus educational institutions;

(iv) To make a list of all bogus educational institutions and to recommend to the Central Government or a State Government, as the case may be, for cancellation of registration and closure of such institutions.

Punishment
for running
bogus
educational
institutions.

5. Whoever, engaged in running of bogus educational institutions shall be punished with imprisonment for a term not less than seven years and shall also be subjected to fine of not less than rupees one lakh.

Power to
make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Newspapers, magazines and periodicals carry advertisements regarding availability of admission in various courses offered by the so called educational institutions which have no recognition or affiliation to a recognised institution. These bogus institutions allure gullible persons by promising prospect of higher qualifications without prerequisites of elementary or secondary education. In the process, they charge exorbitant fees and confer certificates, diplomas, degrees, etc. having no recognition or they disappear without any trace. In order to prevent proliferation of such bogus institutions, an institutional mechanism is necessary to monitor advertisements and take appropriate corrective measures, wherever necessary.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 12, 2001.

PADAM SEN CHOUDHRY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 94 OF 2001

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2001.

Short title
and
commencement.

(2) It shall come into force at once.

2. In article 19 of the Constitution, after sub-clause (g), the following sub-clause shall be inserted, namely:—

Amendment
of article 19.

“(h). To vote and to participate in elections as candidates with equal protection of laws but subject to reasonable restriction on the exercise of the right pursuant to articles 326, 327 and 328.”.

STATEMENT OF OBJECTS AND REASONS

Indian is the largest democracy in the world, but strangely, the right to vote and the right to be a candidate at elections are not considered as fundamental rights.

The Bill seeks to remove this anomaly by including these rights in article 19 (1) of the Constitution.

NEW DELHI;
October 31, 2001.

G. M. BANATWALLA

BILL No. 99 OF 2001

A Bill to provide for compulsory military training to all able bodied citizens of the country

BE it enacted by Parliament in the fifty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training Act, 2001.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. (1) The Central Government shall provide military training to all the able bodied citizen including women who have attained the age of eighteen years but not more than fifty years irrespective of their religion, caste, colour and creed.

Compulsory
military
training.

(2) The training shall range from one year to five years and the expenses shall be borne by the Government.

Punishment.

3. Any person who refuses to attend the training shall be subject to a fine of rupees one thousand or imprisonment for a period of four months or with both.

Utilisation of services.

4. **The Central Government shall utilise the services of citizens who have undergone military training at the time of emergency or otherwise.**

Power to make rules.

5. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

For the last several years, extremist activities have increased almost in every part of the country. The cases of rape of women have become a common factor. The cases of murder and dacoity are also increasing day-by-day. A number of people have been murdered in their houses or on the road-side and the life has become insecure. Although the police have made elaborate arrangements for the security, it is not possible for the police to go to each and every house to defend the people. Hence, self-help is necessary at the present juncture and the compulsory military training to all able bodied citizens should be provided immediately. Moreover, their services can be utilised in case of any emergency.

Hence this Bill.

NEW DELHI;
October 31, 2001.

IQBAL AHMED SARADGI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide compulsory military training to all the able bodied citizens ranging from one year to five years. Clause 4 provides that services of persons who have undergone military training shall be utilised at the time of emergency or otherwise. The Central Government will have to incur expenditure in respect of the provisions of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees ten crore.

A non- recurring expenditure of about rupees four crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative powers is of a normal character.

BILL NO.101 OF 2001

*A Bill further to amend the Working Journalists and other Newspaper Employees
(Conditions of Service) and Miscellaneous Provisions Act, 1955*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the working Journalists and other Newspaper employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 2001.

(2) It shall come into force at once.

Insertion of
new Chapter
II-B.

2. After Chapter II-A of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, the following new chapter and Sections thereunder shall be inserted, namely,—

45 of 1955.

“CHAPTER II-B

WORKING JOURNALISTS WELFARE FUND

Establishment
of a Working
Journalists
Welfare Fund.

13E. (1) There shall be established a working Journalists Welfare Fund, consisting of:—

- (a) contribution of rupees fifty crore by the Central Government;
- (b) contribution by newspaper establishments in such manner as may be prescribed;

(c) voluntary donations from any individual or organisations; and

(d) monthly contributions from working Journalists at such rates as may be determined by the Board of Trustees constituted under section 13F.

(2) The fund shall be managed by the Board of Trustees.

13F. (1) The Central Government shall constitute a Board of Trustees.

Board of
Trustees

(2) The Board of Trustees shall have one Chairman, who shall be nominated by the Government and shall consist of as many other members as are in the opinion of the Government required to manage the fund and all such members shall be elected from representatives of organisations representing the working journalists and other newspaper employees in the country.

13G. The Board of Trustees shall:—

Duties of
Board of
Trustees.

(a) render adequate financial assistance to working Journalists in case of infirmity or disability due to accident or old age;

(b) render adequate financial assistance to the dependants of a working journalist who dies prematurely due to an accident or otherwise; and

(c) initiate such welfare measures for working journalists as may be deemed fit.”

STATEMENT OF OBJECTS AND REASONS

Press is known as the fourth estate in a democratic State. In a democracy like ours, press plays a very significant role in its proper functioning. Journalists play vital role in covering news of public importance and keeping the press function properly. In the era of information technology, journalists have to put extra effort to collect news undeterred by season, hostile atmosphere and violence. Sometimes they have to perform their job notwithstanding risk to their lives. There have been cases when journalists either lost their lives or became crippled in accidents during the course of their job. In such a situation the family members and dependants of such journalists are left in helpless conditions. Recently, in a crash, several young journalists lost their lives.

It is, therefore, necessary to amend the existing statute "The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955" with a view to provide for establishment of a fund for welfare of working journalists in various newspaper establishments in the country. This will go a long way in instilling a sense of fearlessness in the minds of working journalists.

Hence This Bill.

NEW DELHI;
October 31, 2001.

IQBAL AHMED SARADGI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of working journalists Welfare Fund and for establishment of a Board of Trustees. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore is likely to be incurred as recurring expenditure every year.

A non-recurring expenditure of rupees ten crore is also likely to be incurred.

BILL NO.97 OF 2001

A Bill to set up a National Board to identify and deport illegal immigrants in the country.

BE it enacted by Parliament in the fifty-second year of the Republic of India as follows:—

Short title and commencement.	1. (1) This Act may be called the Illegal Immigrants (Identification and Deportation) Act, 2001. (2) It extends to the whole of India. (3) It shall come into force at once.
Definition.	2. In this Act, 'illegal immigrant' means any person who comes to India without any proper and valid document issued by the designated Authority of Government of India.
Setting up of National Board for identifying and deporting illegal immigrants.	3. The Central Government shall set up a National Board for identifying and deporting illegal immigrants in the country (hereinafter to be known as National Board).

4. (1) The National Board shall consist of:—
- (i) a Chairman who shall be appointed from persons who have worked in the Union Ministry of Home Affairs or External Affairs at the secretary level; and
- (ii) seven other Members among the retired officials of Home, Foreign, Police departments and Intelligence Bureau of the Central Government.
- (2) The Chairman and other Members shall hold office for a term of ten years and shall be entitled to such salaries and allowances as may be determined by the Central Government.
5. The National Board shall exercise powers of a Civil Court for the purpose of discharging its duty under this Act.
6. The National Board shall have the following functions, namely:—
- (i) to carry out necessary exercise to identify illegal immigrants and their nationality;
- (ii) to prepare list of all illegal immigrants in the country;
- (iii) to recommend necessary action for deportation of illegal immigrants to the countries of their origin.
7. It shall be the duty of every State Government to provide necessary assistance to the National Board for carrying out its functions.
8. The National Board shall submit its annual report, in such form and manner as may be prescribe, to the Central Government.
9. The Central Government shall cause the report to be laid before both Houses of Parliament as soon as after each such report is submitted to the Central Government.
10. The Illegal Migrants (Determination by Tribunals) Act, 1983 (39 of 1983) is hereby repealed.
11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- Appointment, term and salary of Chairman and other members of National Board.
- Powers of National Board.
- Functions of National Board
- Duty of State Governments.
- Submission of annual report. Laying of reports.
- Repeal of Act No. 39 of 1983.
- Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country has become a safe place for immigrants and there are lakhs of illegal immigrants who are at present staying in India. These illegal immigrants have come from various countries and continue to come everyday. There are immigrants from Sri Lanka, Bangladesh, Afghanistan, Nepal and other countries. These immigrants have started indulging in criminal activities. They are helping the extremist activities against India and are responsible for creating law and order problem in the country.

The Central Act, 'namely', the Illegal Migrants (Determination by Tribunals) Act, 1983 is there but it has proved to be ineffective. There is a lot of financial burden to the exchequer due to this increasing number of illegal immigrants into India.

It is, therefore, proposed to set up a National Board to identify the illegal immigrants and recommend for their deportation to the countries of their origin.

Since the existing Act has failed to achieve its objective, it needs to be replaced by an effective one.

Hence this bill.

NEW DELHI;
October 31, 2001.

G.S. BASAVARAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Board for identifying and deporting illegal immigrants in the country. Clause 4 provides for salaries and allowances payable to the Chairman and other members of the National Board.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about one crore per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved.

MEMORANDUM REGARDING LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 111 OF 2001

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | |
|---|---------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 2001. | Short title |
| 2. In article 269 of the Constitution, in clause (2), for the words “as may be formulated by Parliament by law”, the words “in the manner prescribed in clauses (2) and (3) of article 270” shall be substituted. | Amendment of article 269. |

STATEMENT OF OBJECTS AND REASONS

The Constitution (80th Amendment Act) provides that taxes on the sale or purchase of goods and taxes on the consignment are to be distributed among those States. But another provisions has been made in the Constitution that the principles of determination may be formulated by Parliament by law.

But the principles of determination should be on the basis of principles evolved by the Finance Commission.

The proposed amendment seeks to achieve the above objective.

NEW DELHI;
November, 2001.

TRILOCHAN KANUNGO

BILL NO. 102 OF 2001

A Bill further to amend the Mines and Minerals (Development and Regulation) Act 1957.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act 2001. Short title.

67 of 1957 2. In section 9 of the Mines and Minerals (Development and Regulation) Act, 1957, in sub-section (3) for the existing proviso, the following proviso shall be substituted, namely:— Amendment of section 9.

“Provided that the rate of royalty in respect of any mineral shall be enhanced atleast once in every two years.”

STATEMENT OF OBJECTS AND REASONS

The Mines and Minerals (Development and Regulation) Act, 1957 provides for royalties in respect of mining leases. It further empowers the Government to enhance or reduce the rate at which royalty shall be payable in respect of any mineral. However, it further provides that the rate of royalty shall not be enhanced more than once during any period of three years. This restriction stands detrimental to the interest of mineral bearing and producing States. Now that economy is open and globalised, due encouragement should be given to mining. Any arbitrary decision without provision for specific time frame and proper procedure will neither help in developing mines and minerals nor help the States obviate their financial difficulties. Therefore, proposed amendment to the Act.

NEW DELHI;
November 7, 2001.

TRILOCHAN KANUNGO

BILL No. 107 OF 2001

A Bill further to amend the Railways Act, 1989

BE it enacted by Parliament in the Fifty-Second Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2001.

(2) It shall come into force at once.

24 of 1989

2. In section 126 of the Railways Act, 1989 (hereinafter referred to as the principal Act), in sub-section (2),—

(a) the words “so however, that the sum paid shall not exceed the amount of Compensation payable at such rates as may be prescribed” shall be omitted;

Short title
and
commencement.

Amendment
of section
126.

(b) the following proviso shall be added at the end, namely:—

“provided that the interim relief shall be paid immediately after an accident in the following manner:—

(i) rupees one lakh to the dependents in case of death of the victim;

(ii) rupees fifty thousand in case of injury resulting in permanent disability to the victim;

(iii) rupees twenty-five thousand in case of injury resulting in temporary disability to the victim;

(iv) rupees ten thousand in case of minor injury to the victim.

Amendment
of section
137.

3. In section 137 of the principal Act, in sub-section (1),—

(i) the words “imprisonment for a term which may extend to six months, or with”, shall be omitted;

(ii) for the words “one thousand rupees or with both”, the words “two thousand rupees” shall be substituted;

(iii) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that if any such person is not able to pay fine, he shall be handed over to the railway force personnel at the immediate next station.”

Amendment
of section
142.

4. In section 142 of the principal Act, in sub-section (1),—

(i) for the words “three months”, “one year” shall be substituted;

(ii) for the words “five hundred rupees”, the words “two thousand rupees” shall be substituted.

Amendment
of section
155.

5. In section 155 of the principal Act, in sub-section (2), for the words “two hundred rupees”, the words “one thousand rupees and with imprisonment which may extend to six months” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Railway accidents occur very frequently now-a-days. For payment of compensation one has to run from pillar to post. Especially when the bread winner of a family dies in an accident, the condition of the family becomes pathetic. No help is coming forth from any quarter. There are many formalities to be followed before one gets even interim compensation. But in case of death or permanent disability interim relief is immediately required. Therefore, a provision has been made for payment of interim relief as soon as an accident occurs.

For certain offences by railway passengers the punishment is very meagre. Deterrent punishment is necessary for the offenders in order to ensure a happy and smooth journey by genuine passengers.

Hence this Bill.

NEW DELHI;
November 7, 2001.

SUBODH MOHITE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of interim compensation to the victims of railway accidents. The Bill, therefore, will involve expenditure from the Consolidated Fund of India. It is likely to involve recurring expenditure of rupees fifty crore per annum from the Consolidated Fund of India. A non-recurring expenditure of rupees ten crore is also likely to be involved.

BILL No. 113 OF 2001

A Bill further to amend the Indian Medical Council Act, 1956

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2001.

(2) It shall come into force at once.

Short title
and
commencement.

102 of 1956.

2. In section 13 of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), in sub-section (5), for the words beginning with "by notification in the Official Gazette" and ending with "after a specified date" the words "amend Part I of the Third Schedule so as to include such qualification therein" shall be substituted.

Amendment
of section 13

Amendment
of Third
Schedule

3. In the Third Schedule to the principal Act, in Part I, the following entry shall be added at the end, namely:—

1	2	3
Indian College of Maternal and Child Health (ICMCH) Kolkata.	Resident Post Graduate Diploma Course in Gynae- cology and Obstetrics and in Child Health.	DGO (Dip. in Gyn. and Obst.) DCH (Dip. in Child Health).

These qualifications shall be recognised qualifications under this Schedule only when held by persons holding any other medical qualifications specified in this Schedule.

STATEMENT OF OBJECTS AND REASONS

National Association for Reproductive and Child Health of India was established in 1975 with its thirty branches all over India. It is a registered voluntary society. The Academic wing of the Association, Indian College of Maternal and Child Health (ICMCH) was founded in 1990. They work in the field of reproductive and child health, infant immunization, contraceptive care and education. Their main aim is to stabilise Indian population within next decade through one-two child family norm. The fellows mostly work in rural areas and educate the rural masses. They work in tandem with Government in implementing National Family Welfare Programme. At present there are more than one thousand doctors from the institute. They have already applied for registration. Only qualified persons are enrolled in the courses.

Keeping in view the background and the good work done by the Institute, it is high time that the courses offered by the Institute are recognised without any further delay.

NEW DELHI,
November 7, 2001.

SUBODH MOHITE

BILL No. 108 OF 2001

A Bill further to amend Code of Criminal Procedure, 1973

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2001.

Amendment
of section
154.

2. In section 154 of the Code of Criminal Procedure, 1973 (hereinafter referred as the Principal Act), in sub-section (1), the following proviso shall be added at the end, namely— 2 of 1974.

“Provided that such statement containing information shall be countersigned by a witness”.

Amendment
of section
161.

3. In section 161 of the Principal Act, in sub-section (3), the following proviso shall be added at the end, namely:—

“Provided that such statement shall be countersigned by a witness”.

STATEMENT OF OBJECTS AND REASONS

Many people make complaints to police and as a token thereof written statements are given. But in certain cases, statements do not show a correct and true account of incidents. Due to pressure and influence, victims are forced to give an incorrect picture. Especially when the victim is a woman, it makes things all the more difficult, it is, therefore, suggested that if any person submits a written statement to police, it should be countersigned by a witness.

The Bill therefore, seeks to amend the Code of Criminal Procedure accordingly.

NEW DELHI;
November 7, 2001.

SUBODH MOHITE

BILL No. 109 OF 2001

A Bill to provide protection to junior employees from harassment by senior officers in all establishments under the Central Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-second Year of Republic of India as follows:—

Short title
and
commencement

1. (1) This Act may be called the Government Employees (Protection from Harassment) Act, 2001.

(2) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,—

(i) 'complaint' means and includes a complaint in the nature of harassment, corruption, misbehaviour, misconduct, nepotism and favouritism against senior officers;

(ii) 'employee' means and includes an employee of any establishment including statutory bodies or public sector undertakings under the Central Government upto such level as may be prescribed;

(iii) 'Government' means the Central Government, in relation to statutory bodies, public sector undertakings and all other establishments/organisations under the control of Central Government or of a Union, territory.

(iv) 'harassment' means and includes,—

(a) deliberate transfer of an employee from one place to another without assigning any reason thereof;

(b) making an employee come to office earlier or sit late without any work;

(c) assigning more work to the employee who has made a complaint;

(d) withholding increments/pay hikes or unnecessarily delaying promotion, increment or pay hike;

(e) giving adverse reports knowing fully that the employee deserves a better report;

(f) passing deliberate and insulting remarks in front of others with a view to hurting the mind of the employee who has made a complaint or deliberately condemning an employee with a view to insulting him;

(g) giving such work to an employee, which in his physical capacity, cannot perform better;

(h) asking to perform such job which an employee at his level in his official capacity is not required to do so;

(i) any other act deliberately or without any reason done for harassing or hurting either physically or mentally an employee who has made a complaint.

(v) 'prescribed' means prescribed by rules made under this Act.

(vi) 'senior officer' means and includes an officer working in any establishment, statutory bodies or public sector undertakings under the Central Government at such levels as may be prescribed.

3. (1) The Central Government shall designate an officer or authority, as it may deem fit, in every office or in an establishment under its jurisdiction to deal with cases arising out of this Act.

Appointment of an officer or authority to deal with cases arising out of this Act

(2) The officer or authority so designated under sub-section (1) shall deal with complaints lodged by employees against their senior officers in that department or office or establishment.

4. (1) It shall be open to any employee to make a complaint against his senior officer to the officer or authority appointed for the purpose under section 3 of this Act.

Complaint against senior officers

(2) All complaints made under sub-section (1) shall be in writing.

5. As soon as a complaint is lodged, the officer or authority, shall make or cause to make an inquiry into the facts and circumstances of the complaint.

Inquiry into facts and circumstances of the complaint.

6. If, after an inquiry, the officer or authority finds senior officer guilty of harassing an employee, he shall be subjected to such action as may be deemed fit by the Government.

Penal action against harassing officer

7. If, after an inquiry, the officer or authority finds that complaint has been made deliberately on flimsy grounds or with no basis, the employee who has made a complaint shall be subjected to such action as may be deemed fit by the Government:

Penal action against complaint for false complaint

Provided that in case the complainant proves that he has acted in good faith and with no malice intention, no action shall be instituted against him.

Onus of proof

8. The onus shall lie on the senior officer to prove that he has not harassed an employee who has made a complaint against him.

Power to
make rules

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There have been many cases of harassment of junior employees by their senior officers especially where a junior employee makes a complaint against a senior officer. The senior officer by misusing his authority and position virtually harasses the junior employees to such extent that the junior employees do not dare to make any complaint against their senior officers.

With this in view, it is proposed to protect the junior employees from harassment by their senior officers and also enabling them to come forward to point out any problem/default in the administration.

Senior officer should be taken to task if he is found guilty of harassing junior employees, Provision has also been made to check deliberate and wilful complaints by junior employees against their senior officers.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 7, 2001

SUBODH MOHITE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rule will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 131 OF 2001

A Bill to provide for settling of farmers' loans taken from banks and other financial institutions and to lay guidelines for regulating loans to farmers by such banks and institutions and for matters connected therewith.

WHEREAS farmers raising loans through financial institutions such as banks, co-operative banks and other agencies are under considerable pressure of their default in repayment of instalments of loans which makes them ineligible for fresh loans thereby affecting agricultural production and consequent shortages of foodgrains in the country and their black-marketing and profiteering.

BE it enacted by Parliament in the Fifty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Farmers (Removal of Indebtedness) Act, 2001.

Short title,
extent and
commencement.

(2) It extends to the Union territories only.

(3) It shall be deemed to have come into force on August 15, 2001.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "farmer" means anyone who owns land for agricultural or horticultural purposes;

(b) "financial institutions" means and includes a bank, a cooperative bank or an institution which is established by the Central Government or fifty one percent. shares of which are held or controlled by the Government and which gives loans to farmers; and

(c) "prescribed" means prescribed by rules made under this Act.

Settlement of
farmers' loan.

3. The Central Government shall, by notification in the official Gazette, order all financial institutions in Union territories who are advancing loans to farmers to stop all recovery processes and start final settlement process in each case where a loan has been taken by a farmer and who has not been able to repay it and settle all such cases within six months from the date of such notification in the following manner:—

(a) the loan amount shall be segregated into,—

(i) the principal amount; and

(ii) interest amount.

(b) the simple interest shall be calculated on the principal amount from the date of advancing the loan to the date of starting the settlement process;

(c) the amount which already has been paid by the farmer shall be adjusted first against the principal amount and then against the interest amount calculated in accordance with the procedure laid down in clause (b);

(d) the remaining unpaid amount shall be divided into ten equal annual instalments free of interest and shall be recoverable every year but no legal proceedings shall be initiated till the farmer defaults in payment for three consecutive years:

Provided that if the farmer has made payment to the extent of fifty percent. of the instalments of unpaid loan, he shall automatically be considered as eligible for fresh loan.

(e) if there is any flood, drought, famine or any other natural calamity, financial institutions may postpone the recovery of loan for such period or give concession for repayment of loan at such rate as may be prescribed any fifty percent. of the amount of such concessions given by a financial institution during a year shall be reimbursed to that institution by the Central Government;

(f) the financial institutions shall charge the rate of interest in such a way as not to exceed the rate of interest given by them on the savings deposited with them by the general public; and

(g) the final settlement shall be made in such a way that the farmer is not required to pay more than forty percent. of the original principal amount by way of interest.

Guidelines for
fresh loan to
farmers.

4. The Central Government shall publish the following guidelines to the financial institutions for making fresh loans to the farmers, namely:—

(a) the financial institutions shall charge simple interest which shall not exceed half percent. more than that is paid by them on savings deposited with them by general public and interest shall be calculated only on principal amount and not on previous unpaid interest;

(b) whenever there is a natural calamity and the existence of such a calamity is confirmed by the Union territory Administration, instalments of loan for that year shall be written off treating it as bad debt and fifty percent. of such bad debt during a year shall be reimbursed to that institutions by the Central Government; and

(c) the amount repaid by farmer from time to time shall be adjusted against his principal loan and not in any case be adjusted against the interest amount and the interest shall be calculated only on the remainder of the unpaid principal amount of the loan.

STATEMENT OF OBJECTS AND REASONS

Farmers are the backbone of our economy. The economy depends mainly on the good harvest reaped by the farmers of the country from time to time. The availability of essential commodities of daily use entirely depends upon the good crops reaped by the farmers. Similarly availability of raw materials for the industries depends upon the agricultural produce. But the farmer who grows food for the entire country and raw materials for the industries, always, remains under heavy debt throughout his life. Most of the farmers have to take loans from the banks and other financial institutions for purchasing seeds, fertilizers, bullocks, tractors, tubewells etc. But despite their best efforts, they are unable to repay the loans in time.

As such the indebtedness of farmers is a chronic and continuing problem. It is, therefore, necessary to resolve this problem to make the farmer free from the clutches of the various financial bodies so that he is able to fully concentrate on increasing production of farm products on his land. The Government should take lead in this matter by writing off the loan amounts, particularly of those farmers who have paid back the principal amount. Similarly in case of natural calamities the loan recovery should either be stopped or be recovered in such a way that the farmer does not face hardships. Similarly, in case of one or two defaults, he should not be denied fresh loan by the financial bodies.

The bill seeks to achieve the above objective.

NEW DELHI;
November 15, 2001.

VAIKO

FINANCIAL MEMORANDUM

Clauses 3 (c) and 4 (b) of the Bill provide for giving concessions to farmers in refunding their loans if there is a famine or other natural calamity in the country and fifty percent. of the amount of such concessions during a year shall be reimbursed to the financial institutions by the Central Government. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of about rupees ten crore from the consolidated fund of India.

A non-recurring expenditure of about rupees twenty-five lakh is also likely to be involved.

BILL NO. 122 OF 2001

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950

BE it enacted by Parliament in the fifty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2001.

Short title
and
commencement.

(2) It shall come into force at once.

2. In the Constitution (Scheduled Castes) Order, 1950:—

“Paragraph 3 shall be omitted”.

Omission of
paragraph 3

STATEMENT OF OBJECTS AND REASONS

As Indian Society is caste-ridden, conversion of members of Scheduled Castes from Hindu fold to Christianity or any other religion do not remove social stigma attached to the Caste. Denial of privileges to Dalit Christians violates articles 15 and 25 of the Constitution. Denying rights and privileges on the basis of religion is also against the spirit of secularism. Since certain concessions were available to people professing Christianity during British rule in India, the then British Government not wanting to grant two fold concessions to one group of people prohibited Dalit Christians from getting the privileges available to their brethren in Hindu fold. But that condition no more exists. Since India is a secular state, the genuine demand of the Dalit Christians should be accepted and the benefits of reservation should be extended to them without further delay.

NEW DELHI;
November 13, 2001.

VAIKO

FINANCIAL MEMORANDUM

Clause 2 of the Bill, seeks to delete the paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 with a view to extend the benefits, at present enjoyed by Scheduled Castes belonging to Hindu, Sikh and Buddhist religion, to all Scheduled Castes professing other religions. As a result, many more persons will also be entitled to the benefits and facilities provided by the Government.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees fifty crore is likely to be involved. A non-recurring expenditure of about rupees twenty five crore is also likely to be involved.

BILL NO. 121 OF 2001

A Bill further to amend the Indian Telegraph Act, 1885 and the Indian Post Office Act, 1898

BE it enacted by Parliament in the fifty-second year of Republic of India as follows:-

Short title.	1. (1) This Act may be called the Communication Laws (Amendment) Act, 2001.	
	Amendment to Indian Telegraph Act, 1885	
Omission of section 5	2. In the Indian Telegraph Act, 1885, section 5 shall be omitted.	13 of 1885
	Amendment to Indian Post Office Act, 1898	
Omission of section 26	3. In the Indian Post Office Act, 1898, section 26 shall be omitted.	6 of 1898.

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Indian Telegraph Act, 1885 and Section 26 of the Indian Post Office Act, 1898 give power to the authorities to intercept messages and postal articles. A report has disclosed widespread interception of letters and telegrams to and from persons listed by a State Government to be kept under surveillance. There were instances of this earlier also. This is being sought to be justified under the above mentioned enactments which were framed by British Government which had reasons to suspect danger from the freedom struggle movement. The practice and power from which it emanates, is in the present democratic set up, most reprehensible and archaic. These provisions are relics of a bygone age of arbitrary irresponsible administration having little regard for inviolability of human liberties. After Independence, these provisions which confer power to invade a citizens right to privacy should have been withdrawn at one stroke. Such a practice can become a convenient tool in the hands of unscrupulous authorities to be used more for partisan purposes than for "public safety". The most obnoxious aspect of the whole sordid story is that the powers of mail interception have been in use in some States. It is, therefore, necessary that exercise of such power should be done away with.

Hence this bill.

NEW DELHI;
November 13, 2001.

VAIKO

BILL No. 1 of 2002

A Bill to provide for the payment of unemployment allowance to the unemployed persons and for matters connected therewith.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the payment of Unemployment Allowance Act, 2002.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and Union territories.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “allowance” means the monthly payment to be made to an unemployed person under this Act;

(b) "unemployed person" means any adult person who has no ostensible means of livelihood and whose name is registered in an employment exchange; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) Every unemployed person shall be entitled to the payment of a monthly allowance at a rate and subject to such conditions as may be prescribed after consulting the Governments of the States and Union territories by the Central Government.

Payment of allowance to unemployed persons

(2) While fixing the rates of allowance under sub-section (1), educational qualifications, skill, experience and other relevant conditions of the unemployed person shall be taken into consideration:

Provided that such unemployment allowance shall be paid only to one person in a family.

Provided further that payment of unemployment allowance shall be stopped forthwith once an unemployed person gets employment.

4. (1) The Central Government shall constitute a fund, namely, Unemployment Allowance Fund.

Expenditure on unemployment allowance to be shared by Central and State Governments

(2) The Central Government shall bear seventy five per cent. of the total expenditure incurred on the payment of unemployment allowance under this Act and twenty five per cent of the expenditure shall be met by the respective State Governments.

5. The expenditure relating to implementing of the provision of this Act shall be met out of the unemployment allowance fund constituted under sub-section (1) of section 4.

Expenditure.

6. Any person who contributes to the fund shall be given tax rebate in such manner as may be prescribed by law made by Parliament.

Rebate

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely,—

(a) the maximum and minimum amount of allowance payable under section 3 depending on the qualification and other relevant conditions of the applicant;

(b) manner of making application for payment of allowance;

(c) requirements for an applicant for being eligible for receiving allowance such as educational qualifications, skill, experience, etc.; and

(d) such other matters which may be necessary to prescribe for carrying out the provisions of this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportion in our country. Lack of opportunity of employment in the country is also leading to brain drain and exodus of large number of skilled and unskilled persons abroad. This has caused and is causing aggravated frustration amongst younger generation. Their energy is not being utilised for building the nation. They, driven to extreme desperation and deprivation, take to the path of violence and crime. Empty sermons of morality, ethics, nationalism, religious discourses and pious assurances of social, political and religious leaders are unable to check the trend of youth taking to violence and criminality. It is time that concerted efforts are made by the State to assure employment to the citizens of the country. For this purpose, Government should set up the Unemployment Allowance Fund to provide relief to the unemployed persons till they get employment.

NEW DELHI;
October 31, 2001.

BIR SINGH MAHATO

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION

[Copy of letter No. DGET-H-11019/4/2001-MP(G), dated 28 November, 2001 from Shri Sharad Yadav, Minister of Labour to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Payment of Unemployment Allowance Bill, 2002 by Shri Bir Singh Mahato, Member of parliament, recommends the introduction under articles 117(1) and 274(1) and consideration of the Bill under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for unemployment allowance to all unemployed persons. Clause 4 of the Bill provides for constitution of unemployment allowance fund and the Central Government shall bear seventy five per cent. expenditure incurred on payment of unemployment allowance. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India on account of unemployment allowance to be paid to the unemployed persons. It is, however, difficult to estimate accurately, at this stage, the likely expenditure involved. On a rough estimate, the recurring expenditure per annum will be to the tune of rupees two thousand crore. No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 9 OF 2002

A Bill further to amend the Salary, Allowances and Pension of Members of parliament Act, 1954.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment), Act 2002.

Short title

30 of 1954 2. In section 8A of the Salary, Allowances and Pension of Members of parliament Act, 1954, in sub-section (1),—

Amendment
of section 8A.

(a) for the second proviso, the following proviso shall be substituted, namely,—

“Provided further that where any person has served as a Member of the House of the People for a duration of even one term of the House of the

People (irrespective of the period of that House) as provided in clause (2) of article 83 of the Constitution and who is not entitled to any pension under the foregoing provisions of this sub-section, shall be entitled to pension of three thousand rupees per mensem;

(b) in the third proviso, for the words “two thousand and five hundred”, the words “three thousand” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The provisions of the Salary, Allowances and Pension of Members of Parliament Act, 1954 provides that a member of the House of the People becomes entitled to monthly pension only if he serves the House for a period of four years. In the past, Lok Sabhas had to be dissolved before completion of full term *i.e.* five years. This has resulted in a situation, where a large number of Members, who served the Lok Sabha for less than four years were left out of the ambit of the provision relating to pension. When a member of the provisional parliament is entitled to pension, irrespective of the period of his membership, there is no reason for depriving a member of Parliament, who could not serve the house for four years, due to early dissolution of the Lok Sabha. This is an anomaly which needs to be corrected.

This Bill seeks to amend the Act with a view to enabling a member for entitlement of pension on completion of one term of the House of the People irrespective of the number of years.

NEW DELHI;
February 4, 2002.

RAMESH CHENNITHALA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for entitling members of Lok Sabha to a monthly pension irrespective of the number of years he has served as such if the Lok Sabha is dissolved before its duration and also enhance the monthly pension to rupees three thousand in respect of Members of provisional Parliament. The Bill, if enacted, will involve an expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

BILL NO. 15 OF 2002

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2002.

Short title.

2. In article 105 of the Constitution, after clause (2), the following proviso shall be inserted, namely:—

Amendment
of article 105.

“Provided that that no such immunity in respect of any vote given by him or abstinence from voting in Parliament shall be available to him if such act of voting or abstinence is under the influence of monetary or any other consideration.”

STATEMENT OF OBJECTS AND REASONS

The privileges and immunities provided in article 105 of the Constitution to the Members of Parliament are meant to protect them from malicious prosecution. These are essential for Members of Parliament to perform their duties without fear or favour.

However, these privileges and immunities are capable of being misused for personal aggrandizement. This will defeat the very objective of these privileges. Therefore, this possibility has to be obviated by taking such cases of voting or abstinence from voting out of the protective ring of article 105.

This Bill seeks to achieve the above objective.

NEW DELHI;
February 4, 2002.

RAMESH CHENNITHALA

BILL No. 4 OF 2002

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2002.

Short title.

2. In article 124 of the Constitution, for clause (7), the following clause shall be substituted, namely:—

Amendment
of article 124.

“(7) No person who has held office as a Judge of the Supreme Court of India shall—

(i) plead or act in any court or before any authority within the territory of India;

(ii) not be eligible for any office either under the Government of India or under the Government of any State; and

(iii) not hold office of the President, Vice-President, or Member of Parliament or Legislature of a State or such post which is filled by election involving public or their representatives.”.

Insertion of
new article
220A.

3. After article 220 of the Constitution, the following article shall be inserted, namely:—

Judge of a
High Court
not to be
eligible for
any further
office.

“220A. No person who has held office as a Judge of a High Court shall hold office of President, Vice-President, Member of Parliament or Legislature of a State or such post which is filled by election involving public or their representatives after he has ceased to be a Judge of a High Court.”.

STATEMENT OF OBJECTS AND REASONS

Certain Constitutional authorities like the Comptroller and Auditor General, Chairman and Members of the Public Service Commission, etc., are not eligible to accept any employment under the Government after their retirement. The underlying principle is that post retirement assignments should not allow them to take decisions favouring the Government. This is a very statutory principle which can ensure impartiality and objectivity in the functioning of these constitutional authorities.

However, the prohibition on post retirement employment does not cover the Judges of the Supreme Court and the High Courts. Judiciary in India is independent and impartial. Nevertheless, a minimum safeguard against any possible deviation is in order. It will be a sad day for Indian democracy if the Judiciary exposes itself to the charge of being partisan. We must do everything in our capacity to prevent such a situation. The prohibition accepting post retirement employment in any form will go a long way in ensuring independence and impartiality of Judges.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 4, 2002.

RAMESH CHENNITHALA

BILL No. 10 OF 2002

A Bill further to amend the Environment (Protection) Act, 1986

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Insertion of
new section
6A.

2. After section 6 of the Environment (Protection) Act, 1986, the following section shall be inserted, namely: 29 of 1986.

Power to
relax norms.

“6A. The Central Government may on receipt of a representation from affected persons or a large number of people of the area concerned, relax the norms with a view to mitigating the hardships caused to any section of the public by reason of the implementation of any provision of this Act after taking adequate steps to ensure that there is no threat to environment.”.

STATEMENT OF OBJECTS AND REASONS

In pursuance of sections 3(2)(v) and 6(2)(e) of the Environment (Protection) Act, 1986, the Ministry of Environment and Forests have issued notifications and declared the Coastal stretches of seas, bays etc. up to five hundred metres from the high tide line to low tide line as Coastal Regulation Zone and prohibited certain construction activities, fish processing activities, etc. This prohibition has caused deprivation of livelihood to poor persons in the coastal areas. Demands have been raised by the affected people in the coastal region to reduce the area of the prohibited zone from five hundred metres to two hundred metres. It has been found that five hundred metres is too large an area required to protect the environment in the coastal areas.

The Act does not contain any provision for a review of the notifications issued by the Government from time to time in the light of experience. It is, therefore, necessary to make a provision in the Act itself for providing relaxation in the safety norms on public demand to mitigate their hardships.

Hence this Bill.

NEW DELHI;
February 4, 2002.

RAMESH CHENNITHALA

BILL No. 79 OF 2000

A Bill to provide for the welfare of women employed in various industries and establishments.

Be it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the working women welfare Act, 2000

(2) It extends to the whole of India.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “Appropriate Government” means in relation to the centrally owned public sector undertakings, the Central Government and in relation to any other public under-takings, the State Government;

(b) child includes a still-born child;

(c) “employer” means—

(i) in relation to an establishment which is under the control of the appropriate Government a person or authority appointed by the appropriate Government, for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(ii) In relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iii) In any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

(d) "establishment" means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment where in persons are employed for the exhibition of equestrian, acrobatic and other performances;

(e) "factory" means a factory as defined in the Factories Act, 1948;

(f) "fund" means the working women welfare fund constituted under section 3 of this Act; 12

(g) "industry" means an industry as defined in the Industrial Disputes Act, 1947;

(h) "woman" means and includes a woman employed, whether directly or through any agency, for wages or for similar other consideration in any establishment or industry;

(i) definition of any other term, relating to women employees, for the purpose of this Act, shall be the same as defined in any labour law, applicable in such cases.

3. (1) The Central Government shall constitute a Fund to be called the Working Women Welfare Fund for carrying out the purpose of section 4.

Working
Women
Welfare fund

(2) The Government and the employers of women employees each shall contribute separately to the Fund at the rate of ten per cent of wages payable to each of the women employed by an employer.

(3) The women employees shall not be required to contribute any thing to the Fund.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which are necessary or expedient to promote the welfare of the women employees employed in various industries and establishments, including Government establishments and to defray the cost of measures for the benefit of women employees employed in various industries and establishment and in particular—

Application
of the fund.

(i) To ensure the right to work for the women employees in any industry or establishment;

(ii) To ensure equal wages to women employees;

(iii) To ensure steady and definite increase of the women employees in the total work force;

(iv) To ensure, after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;

(v) To ensure child care facilities for the women employees with minimum needs like milk, tiffin, clothes, toys and trained *ayahs* to look after the children;

(vi) To ensure mobile child care facilities for agricultural women employees;

(vii) To ensure retiring rooms with adequate facilities like bathrooms, latrines, etc. at the work-site for the women employees;

(viii) To ensure residential facilities for the women employees nearest to the place of work;

(ix) To ensure recreational facilities for the kids of the women employees at the child care centres;

(x) To ensure proper and adequate security arrangements for the women employees at the work site as well as to and from their residential places;

(xi) To ensure improved and conducive working conditions for the women employees;

(xii) To ensure reservation of beds in the hospitals for women employees;

(xiii) To ensure proper and adequate maternity facilities for the women employees;

(xiv) To ensure equality for married and unmarried women employees in the employment as well as in service conditions and wages;

(xv) To ensure hostel facilities for women employees, both married and unmarried, nearest to the place of work;

(xvi) To ensure cheap, safe and quick transportation facilities for women employees;

(xvii) To ensure protection from health hazards, particularly for the women employees working in industries like cashew, mines, tobacco, construction projects, etc.

Representation
of women
employees.
Advisory
Committee.

5. The Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

6. (1) The Central Government shall constitute for each area, where industries and establishment are situated, advisory Committee in respect of the area at the city level, district level and apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall preferably be women, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the application of the Fund.

(2) The members of committees so constituted shall from amongst themselves elect the Chairman of the committees.

(3) The Central Government shall publish in the Official Gazette the names of the members of all Advisory Committees.

Central
Advisory
Committee.

7. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees for their proper functioning and for the adoption of uniform policies.

Appointment
of officers
and staff.

8. The appropriate Government may, by notification in the official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provision, of this Act.

Register of
women
employees.

9. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer of the area regarding women employed by them and their specific needs, if any.

Annual
Report.

10. Each Advisory Committee shall, as soon as may be after the end of each financial year, prepare a comprehensive report of its activities, of the previous year, which were financed from the Fund together with a statement of accounts.

Information
to be
furnished by
employers.

11. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law or in the terms of any award, agreement or contract of employment, whether made before or after the coming into force of this Act, but where under any such award, agreement, contract of employment or otherwise, a woman employee is entitled to benefits in respect of any matters which are more favourable to her than those to which she would be entitled under this Act, she shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

Act to have
over riding
effect.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

The number of working women in industries and establishments is substantial and their conditions need amelioration. Welfare facilities which are at present being made available to and enjoyed by the working women in various industries and establishments are not adequate and satisfactory. These measures have limited coverage in as much as they prescribe some measures to improve the working conditions of the working women in industrial premises only, such as cleanliness, ventilation, first aid, canteen regulated working hours, weekly holidays, etc. In so far as the field of labour welfare is concerned; the existing enactments do not provide for proper medical or educational recreational facilities for them as well as for the children of the working women. Regarding security, transport, accommodation, special facilities for some special problems peculiar to women, no enactment has been made. There are enough loopholes for the employers to escape from the provisions of the existing enactments. Hence, it is felt that the burden to give reasonable working conditions and other facilities to the working women must fall upon the Government. A common fund for the welfare of the working women in all the industries and establishments will considerably reduce the administrative expenditure as well as the gap between the need and the availability of welfare measures for the working women. This Bill is intended to supplement the efforts of the employers and the Government in ameliorating the living conditions of the working women.

NEW DELHI;
April 4, 2000.

KAILASHO DEVI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a working women welfare fund. The Central Government and employers of women employees shall each contribute separately ten per cent. of the wages paid by them to the women employees. Clause 6 provides for the constitution of Advisory Committees as the city level, district level and State level. Clause 7 provides for the constitution of a Central Advisory Committee. Clause 8 provides for the appointment of officers for the proper enforcement of the Act. Clause 9 provides for the district level committees to maintain a register of women employees in its area. The Bill, therefore, if enacted, will involve expenditure from the consolidated fund of India. It is likely to involve expenditure of about rupees fifty crores per annum.

A non-recurring expenditure of about rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 96 OF 2001

A Bill to repeal the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987,

BE it enacted by Parliament in the fifty-second year of the Republic of India as follows:—

1. This Act may be called the Jute Packaging Materials (Compulsory Use in Packing commodities) (Repeal) Act, 2001. Short title.

2. The jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987 is hereby repealed . Repeal of Act No. 10 of 1987.

STATEMENT OF OBJECTS AND REASONS

A packaging crisis for essential commodities like Foodgrains, Sugar and Fertilizers looms large, the supply of jute bags falls well short of peak demand starting March/April each year. Non-Jute packaging cannot be used to cover the gap between demand and supply because of provisions of the Act (Jute Packaging Materials Act) providing for compulsory packing in jute. The problem of shortage in jute packaging is further aggravated by various factors that have been allowed to prevail in the Jute sector behind the protection provided to it by the said Act. Some of these are as follows:-

(1) India is a signatory to International Labour Organisation. As per International Labour Organisation Convention No. 127, manual labour should not carry loads in excess of fifty-five kilograms in order to protect their health and safety. However, the jute industry supplies hundred Kilograms capacity bags for packing sugar and foodgrains all over the country. These bags cannot be used without violating the above convention.

(2) Because of monopolistic management by a small group of Jute Mill owners, the jute farmer the targeted beneficiary of the said Act continues to remain in a distressed state earning an annual per-capita average income of a mere rupees two thousand two hundred.

(3) The Jute Mill owners because of the vested interest, perpetuate sickness and technological backwardness of the industry and default of provident fund / Employees State Insurance payments of the workers is huge and still mounting.

(4) The jute industry could not meet the demand created by the said Act which necessitates imports (both legal and illegal) from Bangladesh. The said Act, thus, benefits Bangladeshi Jute farmers.

(5) Jute bags manufacturers produce non-food grade bags to pack edible items for domestic consumption in which petroleum based cheap jute batching oil is used which is hazardous to health.

(6) Non-Jute packaging like HDPE / PP packaging, has been found technically suitable by recognized Institutions like Indian Institute of Technology, Delhi for packaging commodities like sugar, foodgrains and fertilizers.

(7) An additional cost burden is being borne in the case of jute packaging because of heavy seepage losses.

(8) Additional transportation costs have to be borne in the case of Jute packaging because jute bags are produced only in the State of West Bengal.

The Government of Andhra Pradesh had realized the overall benefits of substituting jute packaging with plastic woven sacks. It did so in the matter of packaging of rice. But it had to retract because of compulsory jute packaging mandated by the Act.

A High Powered Committee headed by the then Union Textiles Secretary, Shri T.S.R. Subramaniam had recommended repeal of the Act for the good of the jute industry itself in its Report presented in 1992-93. However, no action has been taken on the recommendation so far.

The Bill seeks to repeal the said Act.

NEW DELHI;
November 1, 2001.

C.N. SINGH

BILL NO. 123 OF 2001

A Bill further to amend Code of Criminal Procedure, 1973

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2001.

Short title.

2 of 1974.

2. In section 357 of the Code of Criminal Procedure, 1973, for the word "compensation" wherever it occurs the words "relief and costs" shall be substituted.

Amendment
of section
357.

STATEMENT OF OBJECTS AND REASONS

Under section 357 of the Code of Criminal Procedure, 1973, there is a provision for payment of compensation. But the word "compensation" itself does not denote full payment.

Therefore, it is proposed to provide relief and costs instead of compensation so that poor litigants, especially women, can be benefited.

It is, accordingly, proposed to amend the Code of Criminal Procedure, 1973.

NEW DELHI;
November 21, 2001.

UTTAMRAO DHIKALE.

BILL NO. 124 OF 2001

A Bill further to amend the Constitution of India

BE ~~is~~ enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2001.

Short title.

2. In clause (4) of article 243ZD of the Constitution, add the following words at the end, namely:—

Amendment
of article 243
ZD.

"through the Chairperson of the Constituency Development Committee set up under article 243ZDD."

3. After article 243ZD of the Constitution, the following article shall be inserted, namely,—

Insertion of
new article
243ZDD.

"243ZDD.(1) Every State Government shall constitute such number of Constituency Development Committees (hereinafter referred to as the Committee) as are equal to the number of seats allotted to that State in the House of the People.

Constituency
Development
Committees.

(2) The jurisdiction of each Committee constituted for a constituency shall extend to the area of the constituency of the House of the People.

(3) The Committee shall consist of a Chairperson who shall be the member of the House of the People representing that constituency and other members, who shall be the members of the Legislative Assembly of the State representing the constituencies falling within the jurisdiction of the Committee and such other members as may be nominated by the State Legislature.

(4) The Legislature of a State may, by law, make provision with respect to the number of members, other than the Chairman and members of the Legislative Assembly, to be appointed to serve on the Committee and their qualifications.

(5) The term of the Committee shall be co-terminus with the membership, of the House of the People, of the Chairperson of the Committee.

(6) For every Committee, there shall be constituted a Constituency Development Fund by the respective State Governments, for the purpose of development of the area to which the jurisdiction of the Committee extends.

(7) The Central Government shall allocate every year not less than thirty-three per cent. of total funds provided to all the Ministries or departments of the Union Government in the annual financial statement laid before both Houses of Parliament in respect of every financial year under article 112 in equal proportion to all districts existing in the country as on the date of commencement of the Constitution (Amendment) Act, 2001:

Provided that the sums provided to districts shall be charged on the Consolidated Fund of India:

Provided further that the fund allocated to each district shall be transmitted to such district within a period of ninety days from the commencement of the financial year:

Provided further that the funds allocated to a district shall be divided equally amongst all the members of the Legislative Assembly representing the constituencies falling in that district and the share of every member of the Legislative Assembly representing a constituency within the jurisdiction of the Committee shall be credited to the Constituency Development Fund constituted under clause (6).

(8) Every Committee shall, in preparing the development plan:—

(a) have regard to matters of common interest between Panchayats and the Municipalities integrated development of infrastructure and environmental conservation; and

(b) consult such institutions and organisations as the Committee may deem necessary.

(9) The Committee shall forward the development plans to the authorities of the State Government within its jurisdiction and plans, as recommended by the Committee, shall be executed by such authorities:

Provided that the cost of plans and projects recommended by the Committee in a year shall not exceed the amount of fund allocated to the Committee:

(10) The decisions regarding plans and projects to be recommended for execution shall be taken by the Committee unanimously:

Provided that this shall not undermine in any way the powers of the Chairperson to take final decision in such matters.

(11) Notwithstanding anything contained in article 243ZD, Panchayats and Municipalities within the jurisdiction of the Committee may also recommend plans and projects to the Committee."

STATEMENT OF OBJECTS AND REASONS

Despite huge amount of money spent by the Government, majority of the villages are without basic facilities like drinking water, electricity, roads, transport, educational institutions, etc. Regional imbalances have widened due to lack of proper infra-structure. One of the major reasons for the backwardness of our villages is the faulty and centralised planning. Even in framing of plans and other schemes, the representatives of the people are not involved.

Therefore, it is proposed to amend the Constitution with a view to involving peoples' representatives in the formation of plans and projects in their constituencies and to vest them with more powers in the matter of planning and execution of plans and projects. As most of the plans and projects are not taken up due to financial constraints, it is proposed to allocate funds to Constituency Development Committees consisting of representatives of the people for taking up plans and projects in their constituencies.

Hence this Bill.

NEW DELHI;
November 21, 2001.

UTTAMRAO DHIKALE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall allocate every year not less than thirty-three per cent. of total funds provided to all the Ministries or departments of the Union Government in equal proportion to all districts in the country and such sums shall be charged on the Consolidated Fund of India.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of allocation of funds to every district in the country. It is estimated that an annual recurring expenditure to the tune of rupees forty thousand crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 118 OF 2001

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2001.

Short title.

2. After article 151 of the Constitution, the following Chapter and articles thereunder shall be inserted, namely,—

Insertion of
new articles
151A to 151J.

CHAPTER VI

MEDIA COMMISSION

151A. (1) There shall be constituted a Media Commission consisting of Chief Media Commissioner and four other Commissioners.

Media
Commission.

(2) Every Commissioner shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a judge of the Supreme Court.

(3) Before appointment of each Commissioner, the President shall consult a Committee consisting of the following members:—

- (i) The Prime Minister;
- (ii) The Union Home Minister;
- (iii) The Leader of Opposition of both Houses of Parliament;
- (iv) Union Law Minister;
- (v) The Chief Justice of India; and
- (vi) Union Minister concerning Media.

Salaries,
allowances
conditions of
service, etc.
of Media
Commissioners.

151B. The salaries, allowances, terms of appointment and conditions of service of Media Commissioners shall be such as may be prescribed by Parliament by law.

Duties of
Media
Commission.

151C. The Commission shall,—

- (i) register all newspapers, periodicals, magazines, whether printed or published through other means of communication; and
- (ii) issue licences to registered newspapers, periodicals, magazines.

Commission
to ensure
orderly
function of
newspapers.

151D. The Commission shall ensure that no newspaper or periodical or magazine functions in a way that—

- (a) it affects the interests of sovereignty and integrity of India;
- (b) it affects the security of the State;
- (c) it affects friendly relations with foreign States;
- (d) it affects public order, decency or morality;
- (e) it tantamounts to contempt of courts;
- (f) it results in defamation;
- (g) it acts as an incitement to an offence;
- (h) it breeds hatred or contempt against any religion, caste, sect, language, sex;
- (i) it hurts the sentiments of any religious sect, caste, place, sex, linguistic minority, nativity;
- (j) it refers to physical or mental depravity of any individual or group or personal life or family history of any individual except to narrate an incident or prove a point.

Officers and
staff of the
Commission.

151E. The Union Government shall make available necessary officers and staff for functioning of the Commission.

Investigation
into
complaint.

151F. The Media Commission shall, on a complaint, cause an investigation into the complaint and settle the question after taking into account the nature and facts of case and also opinion tendered by experts, as the case may be.

Powers of
Commission.

- 151G. (1)** The Commission shall have all the powers of a tribunal.
- (2)** The Commission shall hear every complaint and decided upon it within three months and award punishment as it may determine.

Power of
Commission
to withdraw
registration.

151H. The Commission shall have the power to withdraw registration of a newspaper at any time for such period as it may determine.

151I. An appeal from the decision of the Media Commission shall lie only to Supreme Court.

Appeal

151J. The Media Commission shall recommend to the appropriate Government,—

Facilities to
Media.

(i) the nature and extent of information which can be accessed by media;

(ii) the concessions in newsprint, film, paper, stationery which can be provided to media; and

(iii) other facilities which can be extended to media from time to time.

STATEMENT OF OBJECTS AND REASONS

Press is considered as the fourth estate. For a meaningful democracy, press should be independent, vibrant and active. However, Press should not misuse their freedom by making wild allegations or print baseless stories with a view to sensationalize any issue. It should not also indulge in indiscreet defamation or character assassination.

For this purpose of regulating press it is proposed to constitute a multi-member Commission whose members shall be appointed by a high power committee.

The Commission shall ensure that media will have to function within the prescribed parameters. The media shall also be entitled to concessions from the State.

This will ensure an independent and vibrant media without any favour or tear. But at the same time erring media will be taken to task.

The Bill will give fourth estate its due place in the society and public life.

Hence this Bill.

NEW DELHI;
November 21, 2001.

UTTAMRAO DHIKALE

FINANCIAL MEMORANDUM

The Bill seeks to appoint a Media Commission to regulate the functioning of media. It will have five Commissioners and officers/staff. Some facilities will also be extended to media on the recommendations of the Commission. This will involve a recurring expenditure of about rupees fifty crore per annum from the Consolidated Fund of India. A non-recurring expenditure of about rupees ten crore will also be involved.

BILL NO. 126 OF 2001

A Bill to constitute an Authority to regulate production, supply and distribution of drugs and to determine their standards and prices

BE it enacted by Parliament in the fifty-second year of the Republic of India as follows:—

Short title
extent and
commencement.

1. (1) This Act may be called the Drugs Regulatory Authority Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Appropriate Government" means the State Government in respect of States and Central Government in respect of other cases;

(b) "Authority" means Drugs Regulatory Authority set up under section 3;

(c) "Drugs" means all types of allopathic drugs including cotton syringes, oxygen cylinder and ancillary equipments used during treatment of any disease or surgery or connected with health care;

(d) "prescribed" means prescribed by rules made under the Act.

3. (1) The Central Government shall constitute an Authority to be known as Drugs Regulatory Authority to carry out the functions as provided in this Act.

Drugs
Regulatory
Authority.

(2) The Authority constituted under sub-section (1) shall consist of —

(a) a Chairman;

(b) four members of whom three shall be experts in drugs;

(c) one member representing medicine

(d) one member representing drugs industry;

(e) a representative each of the Ministry of Chemicals and Fertilizers and Health and Family Welfare of the Government of India;

(3) The Chairman and other members shall be nominated by the Central Government.

(4) The Chairman and other members shall possess such qualifications and experience as may be prescribed.

(5) The terms and conditions of appointment of Chairman and other members and allowances payable to them shall be such as may be prescribed.

4. The Authority shall make a list of all companies and organisations engaged in production, supply and distribution of drugs operating in the country.

List of
companies
engaged in
production,
supply and
distribution
of drugs.

5. The functions of the Authority shall be to:—

Functions of
Authority.

(a) fix the standards of manufacture of each of the drugs;

(b) regulate production, supply and distribution of drugs in such a manner that drugs are produced in adequate quantities and ensure that there is no shortage of any drug;

(c) undertake extensive research in modern drugs;

(d) formulate an import and export policy of drugs;

(e) ensure that spurious and fake drugs are not sold in market;

(f) issue licences for production of any drug;

(g) issue licence for marketing of any drug and to conduct such tests as may be necessary before issuing licence;

(h) ensure that level field is available to domestic producers;

(i) fix the prices of various drugs;

6. No organisation shall engage in production supply and distribution of drugs after the commencement of this Act, without obtaining a licence.

No organisation
to engage in
production,
supply and
distribution of
drugs without
licence.

Organisations engaged in production, supply and distribution of drugs to apply for licence.

7. Every organisation intending to engage in production, supply and distribution of drugs shall apply to Authority for issuance of a licence.

Issue of licence.

8. (1) The Authority shall consider all aspects and conduct such verification as it may deem fit before issuing a licence.

(2) The Authority may also refuse to issue a licence after stating the reasons in writing.

Appointment of officers and staff.

9. The Authority shall appoint officers and employees for its efficient functioning.

Authority to conduct search.

10. (1) The Authority shall as often as possible cause search or checks to be conducted in any organisation to ensure that such organisation is functioning in accordance with the provisions of this Act.

(2) If after any search or check, the Authority comes to the decision that the standards or norms as fixed by the Authority have not been followed, the Authority shall cancel the licence of the organisation and ban the manufacture or sale of any drug by that organisation forthwith.

Cancellation revocation of licence.

11. (1) The authority, on a complaint being made to it, or otherwise and after such enquiry as it may deem fit, cancel the licence issued to an organisation engaged in production, supply and distribution of drugs for such period as it may determine.

(2) The cancellation of licence can be revoked any time after the Authority has satisfied itself of the steps taken by the organisation to remove the cause of complaint.

Power to make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In India spurious and fake drugs are sold in large number. There is no effective check on them. Prices are fixed according to sweet will of the producers. There are no standard norms for contents of drugs. Certain essential drugs are always in shortage. Multi-national companies dominate in this sector. Domestic companies do not fair well.

At present, there is no mechanism to check or regulate the drugs industry.

It is, therefore, proposed to set up an Authority to regulate the drug industry in all its spheres.

NEW DELHI;
November, 2001.

UTTAMRAO DHIKALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of an Authority to regulate drugs industry. There is also a provision for appointment of officers and staff to assist the Authority. The Bill, therefore, would involve expenditure from the consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees one hundred crore will be involved.

A non-recurring expenditure of about rupees twenty crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

G.C. MALHOTRA,
Secretary-General.

